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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,144	06/29/2001	Shari Gharavy	T00068	5432
33438	7590	12/05/2007	EXAMINER	
HAMILTON & TERRILE, LLP			RUDY, ANDREW J	
P.O. BOX 203518			ART UNIT	PAPER NUMBER
AUSTIN, TX 78720			3627	
NOTIFICATION DATE	DELIVERY MODE			
12/05/2007	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@hamiltonterrile.com  
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tmunoz@hamiltonterrile.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/896,144	GHARAVY, SHARI
	<b>Examiner</b>	<b>Art Unit</b>
	Andrew Joseph Rudy	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 13 August 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-6,9-17 and 27-51 is/are pending in the application.
- 4a) Of the above claim(s) 2,9,11,12,15-23,25,26 and 34-41 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-6,10,13,14 and 27-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 9/5/07;4/16/07;4/25/07.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-6, 9-17 and 27-51 are pending.
2. Applicant cancelled claims 7, 8 and 24.
3. Claims 2, 9, 11, 12, 15-23 and 25, 26, and 34-41 are withdrawn from consideration as being drawn to a non-elected invention.
4. Applicant's August 13, 2007 Amendment and REMARKS have been reviewed.

The previous March 12, 2007 Office Action is withdrawn pursuant thereto.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1, 3-6, 10, 13, 14 and 27-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 4, "each of the distributors" is not clear in juxtaposition with the "product distributors" from line 2. Is each entity the same or a different one? Further, it is not clear why/how Applicant may claim obtaining credential information for "each of the distributors" when only one product distributor need be present to fully meet the claim language.

Clarification is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 3-6, 10, 13, 14 and 27-37, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer et al., US 20010047299 in view of Solomon, US 6,847,935.

Brewer discloses, e.g. Abstract, Figs. 1-3, 7-10, 13, 14, 18, a system for validation of credential information, e.g. data representative of a contract, a seller, a distributor a group purchasing organization (61, 64, 66), where a purchase is received by a user, and levels of access to the credential information.

Solomon discloses, e.g. Abstract, an Internet based database rebate processing system for data representative of the product from the distributor or other source to the purchaser, e.g. cols. 14-15, lines 65-12.

To have provided Solomon's Internet based rebate processing system for data representative of the product distributor shipped products to Brewer's products purchased and provided to the user would have been obvious to one of ordinary skill in the art.

To have used common knowledge Extensible Markup Language (XLM) data format, as would have been the use of common knowledge rules associated with a test type.

9. A further pertinent reference of interest is noted on the attached PTO-892.

10. Applicant's Information Disclosure Statements (IDS's) received September 5, 2007; April 25, 2007; April 16, 2007; December 7, 2006; August 25, 2006 and June 8, 2006 have been reviewed. Note the attached IDS's.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Joseph Rudy  
Primary Examiner  
Art Unit 3627